REMARKS/ARGUMENTS

This Request for Continued Examination is being submitted in response to the final Office Action dated June 26, 2008. Claims 10-13 and 21-22 are original. Claims 2-5, 7-8, 15-18 and 20 were previously presented. Claims 1, 6, 9, 14, and 19 are currently amended. No claims are hereby added or canceled. Claims 1-22 are and remain pending in this application and claims 1-22 stand rejected. Reconsideration and reexamination are respectfully requested.

Response to Arguments

1. The Office Action states that the Virgile subnetworks A, B, and C are "typically isolated to a single, small geographic area such as an office building or floor of an office building." Office Action of 7/26/08, p. 2, para. 5. However, this does not mean that they are intended for implementation in building automation. It simply identifies the location of the subnetworks of Virgile. The subnetworks of Virgile are not used in or for building automation, simply by virtue of being located in an office building. General use of a network in a building (and most networks have to be located in a building, for obvious weather-related reasons) does not mean or connote or suggest use or structure for building automation. Virgile's description of its networks' location(s) merely means that the networks of Virgile are typically located in a discrete geographic area. It does not teach or suggest the structure necessary for building automation, including, e.g., currently claimed "building automation system controller" and at least one "bridge" operable therewith.

2. The Office Action states that Virgile teaches a failsafe mechanism. Office Action of 7/26/08, p. 3, para. 2. However, and no matter what the "failsafe" of Virgile could be, Virgile nevertheless teaches no way to direct traffic around the fault to every automation device if one of the bridges fails. For example, if there is a subnet fault between b1 and h2, then hosts h1 – h3 are cut off from the network. Thus, contrary to the position of the Office Action, if there is a fault, for example, immediately after the b1 bridge of Virgile then there will be no communication with hosts h1 – h3. Applicants' multiple bridge structure,

on the other hand, provides for continued communication with all network devices in the event that a subnet fault occurs, whether a bridge goes offline, or whether there is a break in the subnet loop. Furthermore, the citation to 'collision domains' is inapposite here, as the Applicants' Office Action response addressed an argument regarding a fault (i.e. a break) that would typically render a subnetwork inoperational, rather than a way of managing communication among concurrently transmitted packets, the concept addressed by 'collision domains.' Please also see the amendment to claim 9, hereinabove.

3. The Office Action states that Virgile teaches the "vacation mode" of Applicants' system. Office Action of 7/26/08, p. 3, para. 4. Applicants appreciate that the examiner should give the broadest reasonable interpretation to the language of the claim; however, that broadest reasonable interpretation is required to be in view of the specification. MPEP 2111, and Phillips. Thus, if there is any ambiguity in the claim language, the first place to go is the specification. Phillips. And, in Applicants' case, "vacation mode" is defined very clearly as involving much more than going into an "idle" mode. On the other hand, Filgate only refers to one portion of the system, the "initiator 110", idling temporarily. Filgate, col. 3, line 30. Applicants' entire system actively participates in the 'vacation mode' of Applicants, actively deploying or otherwise controlling devices to make the building appear to be lived in, including actively turning devices on, not merely rendering them "idle." Thus, the interpretation proffered by the Office Action is inapplicable to Applicants' system. Please also see the amendments to claims 6 and 19, hereinabove.

Rejections Under 35 U.S.C. § 102(b)

Claims 9, 10, 12-18, and 20-22 stand rejected under 35 USC § 102(b) as purportedly being anticipated by Virgile (U.S. Patent No. 5,608,726; hereinafter "Virgile"). Specifically, the Examiner has rejected these claims in view of various aspects of Virgile. Applicants have traversed this rejection for the reasons cited in the previous Office Action Response and reincorporated herein by reference.

Moreover, Applicants submit that the current amendments to the claims address any outstanding concerns, particularly those raised in the Office Action of June 26, 2008, in the section entitled "Response To Arguments" and in the reiteration of the rejections under 35 USC 102(b). In particular, the role of the bridges is clarified in claim 9. As noted previously, Virgile entirely fails to disclose (a) any building automation devices; and (b) any way to ensure that every building automation device remains connected to the network in the event of bridge or subnetwork failure. Furthermore, "configuration information" is more specifically set forth in claim 14, and thus demonstrates what type of configuration information is included in Applicant's development. As discussed, the Office Action fails to specifically point to any "configuration information" or any "building automation device" in Virgile. Moreover, the "hosts" of Virgile are not suggested or inferable to be equated to the "building automation devices" that receive Applicants' configuration information specifically for configuring building automation devices. Furthermore, Virgile does not teach or suggest any type of configuration information directed to the configuration of building automation devices as disclosed by Applicants. The rejections of the independent claims 9 and 14 are obviated and/or traversed, and thus, also all the rejections of the dependent claims raised by the Office Action of June 26, 2008 under 35 USC 102(b) are also obviated and/or traversed.

In order to sustain a rejection under 35 USC 102(b), the cited reference (i.e. Virgile) must teach or disclose each and every element of the claimed invention. Virgile does not teach each and every element of Applicants' claims 9, 10, 12-18, and 20-22. Applicants' claims 9, 10, 12-18, and 20-22 are respectfully submitted to be allowable over Virgile, and Applicants' dependent claims are submitted to be allowable over Virgile because they depend from allowable independent claims.

Rejections Under 35 U.S.C. § 103

Claims 1, 3-5, and 8 stand rejected under 35 USC 103(a) as purportedly being unpatentable over Koch et al (U.S. Patent No. 7,737,953; hereinafter

"Koch") in view of Shteyn (U.S. Patent No. 6,199,136; hereinafter "Shteyn"). Specifically, the Examiner has rejected these claims, particularly claim 1, stating that "it would have been obvious to a person of ordinary skill in the art at the time of the invention" to "modify the invention of Koch, and have the features, as taught by Shteyn, thus providing for a method for enabling a high data rate first control network to control a device in a low data rate second network, as discussed by Shteyn." See Office Action of June 26, 2008, page 9, section 4, last para.

Applicants respectfully reincorporate the arguments from the previous Response to Office Action. Applicants further traverse the finding that Applicant's development would be obvious to one skilled in the art as follows.

Applicants' development concerns a bridge apparatus for use in building automation systems, with various elements, such as in some implementations the multiple-bridge looped subnet feature, operable to facilitate the uninterrupted transmission of information between and among the elements of the building automation system (claims 1, 9, 14).

Koch is directed to a method for operating a communication network bridge, specifically, for routing a message frame to an address (abstract), contrary to Examiner's assertion that Koch discloses a bridge apparatus for a building automation system. Shteyn is directed to a very specific type of system within a HAVi network system for enabling a high-bite first control network to control a device in a low-bite rate second network.

Furthermore, Koch simply discusses the routing of message frames based on addresses. It fails to discuss the content or objective of those frames, and hence entirely fails to disclose "configuration information" or "building automation devices" as disclosed in Applicants' development.

In effect, Koch describes only a postman's route and system of delivering mail. Applicants' development, on the other hand, may be more analogized as providing (a) the content of the mail the postman carries, (b) the specific recipient of the mail; and (c) and the steps the specific recipient of the mail takes in

response to the information given in the mail, all elements that are not disclosed by Koch.

The "status information" of Koch pointed out by the Office Action, p. 8, para. 1, is simply an update sent by a controller to indicate the action it has taken with respect to a message frame. "Status information" does not encompass "configuration information" for configuring a building automation device. Furthermore, the Office Action entirely fails to point out where Koch teaches a building automation device connected to the subnetwork, let alone program code for configuring a building automation device connected to the subnetwork. Neither is the "source address" of Koch cited by the Office Action, p.8, para. 2, the "configuration information" of Applicant. The source address is merely the location of the recipient. The "configuration information", as described herein, is all intended for configuring a building automation device.

The Office Action also alleges that Shteyn discloses a bridge apparatus (while directing the Applicant to look at the abstract of Koch). Shteyn fails to disclose a bridge apparatus. The Office Action also provides that Koch does not specifically disclose a bridge apparatus for a building automation system. A fortiori, Koch could not disclose building automation devices for a building automation system. Shteyn's disclosure of a PC-based home automation system coupled with a HAVi-network (abstract) with a low data rate network to be represented on and controllable by high data rate home audio/video interoperability network, has little to do with Applicants' development other than they both mention an automation system. This is not sufficiently suggestive of either any possible combination with Koch nor of the ultimate result achieved by Applicants here.

Furthermore, in the instant case, and per KSR, a person of ordinary skill in the art having common sense at the time of the invention would not have reasonably looked to Shteyn to solve a problem already solved by Koch. Thus, Applicants respectfully submit that the rejection of claim 1 on Koch and Shteyn falls short. Applicants note that claims 2-8 depend from Claim 1. Reconsideration and withdrawal of this rejection is thus respectfully requested.

Applicants submit that Applicants' claims 1-8, 11, and 19 are believed to be allowable at least, for the same reasons set forth above for claim 1 in that they contain limitations not taught or suggested by Koch, Shteyn, Virgile, or other cited references. Reconsideration and withdrawal of these rejections are thus also respectfully requested.

CONCLUSION

Applicants note that all rejections are obviated or traversed and respectfully request that they thus be withdrawn. A timely Notice of Allowance is requested to be issued in this case. Applicants believe no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefore and authorization to charge Deposit Account No. 02-2093 as necessary.

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Respectfully submitted,

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